S.B.Cr.Misc. II Bail App. No. 5157/2007
(Bherulal Vs. State of Rajasthan)

Date of order : 13/11/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. H.R. Vishnoi for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

This is second bail application. Heard learned counsel for the petitioner and the Public Prosecutor for the State.

The first bail application came to be dismissed on 10.9.2007 while the matter was at the investigation stage, however, the petitioner was granted liberty to move a fresh bail application after filing of challan. Counsel for the petitioner submits that the police has concluded the investigation and filed challan long back. Learned counsel for the petitioner has placed on record the challan papers. It is contended by the counsel for the petitioner that the contraband opium recovered from the petitioner is slightly more than small quantity but much less than commercial quantity.

Having regard to the facts and circumstances of the case and the fact that the contraband recovered is much less than commercial quantity and the petitioner is in custody for last four months, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Bherulal S/o Kashiram be released on bail in CR No. 359/2007, P.S. Bilara, district Jodhpur provided he executes a personal bond for a sum of Rs. 20,000/- with

two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP